

Fresno, California

February 4, 2003

The City Council met in regular session at the hour of 8:34 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Larry Patton, Wesley United Methodist Church, gave the invocation, and Councilmember Duncan led the Pledge of Allegiance to the Flag.

#### PASSING LARRY BERTAO, RETIRED FRESNO POLICE DEPARTMENT

President Boyajian announced the passing of Mr. Bertao, past president of the Fresno Police Officers Association, and a moment of silence was observed in his memory.

#### RESOLUTION OF COMMENDATION TO FIRE CHIEF MICHAEL SMITH

#### PROCLAMATION OF KOQUAW RICKS AND YESENIA OZUNA DAY - COUNCILMEMBER DAGES

#### PROCLAMATION OF COBB'S HARDWARE STORE DAY - PRESIDENT BOYAJIAN

The above resolution and proclamations were read and presented.

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#### APPROVE MINUTES OF JANUARY 28, 2003

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of January 28, 2003, approved, as amended, as follows:

1. Page 141-51, Item **5-A**, Vehicle License Fees (VLF), changing Acting President Castillo's vote to "NO". Acting President Castillo stated he wanted to register a "NO" vote as he did not understand that the signing of the resolution by all seven Councilmembers implied the city was not in favor of the backfill of the VLFs adding it would result in the loss of about 120 police officers and that was not made clear to him, and advised he had been told by Assemblyman Dean Flores that of all the cities Mr. Flores represented, Fresno, by adopting the resolution, was the only city saying they did not support raising the VLFs back to the previous levels. President Boyajian questioned whether Council was neutral on that one issue by not including it, with City Attorney Montoy advising she would review the matter and inform Council of her determination. After the following correction to the minutes, Councilmember Calhoun stated Mr. Castillo's statement was incorrect and stressed adoption of the resolution in no way implied the city of Fresno wanted the vehicle license fees to be decreased.

2. Page 141-38, Item **3-A**. City Clerk Klisch noted the motion was clarified to include specifically withdrawing the Grantland Overpass repayment.

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**APPROVE AGENDA:**

**(5-D)** DISCUSSION REGARDING THE FRESNO LANDFILL BEING DESIGNATED A NATIONAL HISTORIC SITE INCLUDING CONSIDERATION OF ADOPTION OF A RESOLUTION REQUESTING THAT SAID DESIGNATION DOES NOT OCCUR - COUNCILMEMBER CALHOUN

City Clerk Klisch advised a resolution for adoption was included with the item but was not listed. So noted.

**(1-F)** CONSIDER PROPOSED ALLUVIAL-WILLOW NO. 43 REORGANIZATION CONSISTING OF 36 ACRES PROPOSED FOR DETACHMENT FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO (LOCATED IN DISTRICT 6)

**1. \* RESOLUTION** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED ALLUVIAL-WILLOW NO. 4E REORGANIZATION

Laid over one week at the request of staff.

**(1A)** AWARD A CONTRACT FOR ONE CLASS 8, 1500 GALLON CHLORINE TANKER

City Clerk Klisch corrected the amount listed in the first paragraph of the staff report from \$173,833 to \$117, 833. So noted.

REQUEST FOR REPORT ON SOLID WASTE RFP AND WHY THE SOLID WASTE DIVISION CAN NOT BID ON THEIR OWN PROJECT - COUNCILMEMBER DAGES

Request made.

MAYOR'S TASK FORCE TO ADDRESS THE ARCHIE CRIPPEN EXCAVATION FIRE - COUNCILMEMBER CALHOUN

Councilmember Calhoun advised he would be scheduling on the agenda in one week for discussion the selection/appointment process for the task force.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1A)** AWARD A CONTRACT FOR ONE CLASS 8, 1500 GALLON CHLORINE TANKER

1. DECLARING THE BID RECEIVED FROM GOLDEN STATE PETERBILT FOR ONE CLASS 8, 1500 GALLON CHLORINE TANKER TO BE NON-RESPONSIVE TO THE BID SPECIFICATIONS FOR FAILING TO MEET DELIVERY
2. DECLARING THE BID RECEIVED FROM CENTRAL VALLEY TRUCK CENTER FOR ONE CLASS 8, 1500 GALLON CHLORINE TANKER TO BE NON-RESPONSIVE TO THE BID SPECIFICATIONS FOR FAILING TO MEET TECHNICAL REQUIREMENTS
3. AWARD A CONTRACT IN THE AMOUNT OF \$117,883.65 TO CENTRAL VALLEY KENWORTH FOR ONE CLASS 8, 1500 GALLON CHLORINE TANKER

**(1-C)** AWARD A CONTRACT TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 318 TO VULCAN CONSTRUCTION & MAINTENANCE, INC., IN THE AMOUNT OF \$99,100

**(1-D)** AWARD A CONTRACT TO AMERICAN PAVING CO., IN THE AMOUNT OF \$172,704 FOR CONSTRUCTION OF A

BIKE PATH AND STREET IMPROVEMENTS ON THE NORTH SIDE OF HERNDON AVENUE FROM MARKS TO 980 FEET EAST

**(1-E)** AWARD A THREE-YEAR CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO THYSSEN KRUPP ELEVATOR IN THE AMOUNT OF \$33,246 FOR THE FIRST YEAR FOR ELEVATOR MAINTENANCE AT VARIOUS CITY LOCATIONS

**(1-H)** ACCEPT THE PROPOSAL OF PEACE OFFICER STANDARDS AND TRAINING (POST) TO UTILIZE THE SERVICES OF ONE POLICE SERGEANT FOR A PERIOD OF ONE YEAR

**1. \* RESOLUTION NO. 2003-28 - 13<sup>TH</sup> AMENDMENT TO PAR 2002-217 TO PROVIDE A POSITION FOR THE PEACE OFFICER STANDARDS AND TRAINING (POST)**

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(8:30 A.M.) PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE WINTER QUARTER**

Certificates were presented to Joleen Wofford, Airports; Patti Miller, City Council/City Manager/City Clerk; Jeff Hilton, Convention Center; Sam Frank and Carolyn Romanazzi, Finance Department; Gordon Rusk, Fire Department; Abbie Hyde and Kuldeep Singh, Fresno Area Express; Carolyn Keaton and Ray Payan, General Services Department; Gary Johnson and Cornell Contreras, H.E.C.D.; Pamela Kountz, Information Services Department; Jackie Larkin, Personnel Services Department; Steve Crowder and Ray Gonzalez, Planning & Development Department; Susan Lutton, Carolyn Hall, Vincent Santana and Linda Crump, Police Department; Gary Winkler, Zella Smith, Kenneth Hunnicutt, Saeid Vaziry and Mike Wells, Public Utilities Department; and Terese Edwards, Scott Mozier, Aunchalee Bhokthavi and Maryann Lewis, Public Works Department. A reception was held following the presentation to honor the employees.

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**RECESS - 9:20 A.M. - 9:42 A.M.**

**CONTESTED CONSENT CALENDAR ITEMS:**

**(1-B) REJECT BID FOR THREE (3) CLASS 7 CREW CAB CHASSIS TRUCKS**

Fleet Manager Hunt responded to questions and/or concerns of Acting President Castillo relative to why diesel vehicles were being purchased when a decision was recently made to go with CNG, what the trucks would be used for, who would be using them, if the old trucks were no longer functional, if it would be more costly to keep the old units **(2 - 0)**, the budget crisis, need for all departments to take inventory of their equipment, and concern with moving forward with the \$146,000+ project due to the budget situation. City Manager Hobbs further explained why the trucks were needed and stated all issues and concerns would be taken under advisement and addressed. A motion was made to approve staff's recommendation.

Mr. Hunt, Development Director Yovino and Mr. Hobbs responded to questions of Councilmember Perea and President Boyajian relative to policy for rejecting bids and if hybrid vehicles helped the environment. Councilmember Duncan suggested staff reissue a list of the RACM standards for the benefit of the new council members.

Barbara Hunt, 2475 S. Walnut, spoke to the Charter section relative to bid awards.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the bid

received from Central Valley Truck Center for three class 7, crew cab chassis trucks declared to be non-responsive to the bid specifications for failing to meet low emission requirements for the engine; and the only bid received hereby rejected, and staff directed to revise the specifications to require an engine that best meets environmental and performance needs and rebid the three class 7 crew cab chassis trucks, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

**(1-G) RESOLUTION NO. 2003-29** - APPROVING THE FINAL MAP OF TRACT NO. 5086 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; PHASE II OF VESTING TENTATIVE TRACT MAP NO. 4723, NORTHWEST CORNER OF N. BELVEDERE AND W. RIVER VISTA DRIVE AT THE SAN JOAQUIN RIVER BLUFF

**1. RESOLUTION NO. 2003-30** - CERTIFYING THAT PROVISIONS HAVE BEEN MADE FOR SEGREGATION OF THE EXISTING ASSESSMENT TO EACH OF THE NEW PARCELS BEING CREATED BY TRACT NO. 5086

Councilmember Calhoun questioned the meaning and use of the term “substantial compliance” and stated with the new general plan compliance needed to be forthright, with Planning and Development Director Yovino explaining why the term had been used over time and stated “substantial” would be removed and the term “compliance” would be used.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-29 and 2003-30 hereby adopted; the Public Works Director authorized to execute the Subdivision Agreement and the Statement of Covenants Affecting Land Development for Landscape Maintenance; and the Planning & Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the time of Issuance of Certificate of Occupancy and Creation of Lien, and the Statement of Covenants Affecting Land Development for Acknowledgment of Proximity to Airport Operations, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling
Noes	:	Boyajian
Absent	:	None

**(1-I) AWARD A CONTRACT FOR INSTALLATION OF A 36" PVC CLOSED PROFILE SEWER MAIN IN WHITESBRIDGE AVENUE**

Councilmember Calhoun stated the matter seemed to be routine item but noted an appeal had been filed due to elimination of the add-alternate, whereupon proceedings were briefly interrupted for the following matter:

MOMENT OF SILENCE FOR THE SPACE SHUTTLE COLUMBIA AT 10:00 A.M.

A moment of silence was observed for the shuttle crew, and Councilmembers Duncan and Calhoun spoke briefly to the tragedy and the astronauts, specifically Husband and Clark.

PASSING OF CITY EMPLOYEE TERRY COOK, PERSONNEL DEPARTMENT

President Boyajian noted the passing of Ms. Cook and extended the City's condolences to her family.

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**(1-I) AWARD A CONTRACT FOR INSTALLATION OF A 36" PVC CLOSED PROFILE SEWER MAIN IN WHITESBRIDGE AVENUE** *(CONTINUED FROM EARLIER)*

allowing the City to work under the canal. Design Services Manager Andersen and City Attorney Montoy clarified issues and/or spoke to the project, the appeal, and the process that was followed. A motion and second to approve staff's recommendation was made and acted upon after additional discussion.

Assistant City Manager Souza, Mr. Anderson, City Manager Hobbs and Ms. Montoy further clarified issues and/or responded to questions of President Boyajian relative to the appeal, the increased costs in the future for the add-alternate, timeline and need to move forward with the Whitesbridge project, if preceding conditions existed, condition placed by the FID, impacts of a delay, and concern with the original project put out to bid and the City subsequently eliminating the add-alternate.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Additional discussion ensued on the impact of a delay and project costs, and the future add-alternate bid and request for information on the cost. Mr. Hobbs clarified the rules were clear and the bid was being awarded to the lowest bidder; Ms. Montoy clarified any firm would be able to bid on the add-alternate; and Councilmember Sterling stated it needed to be made clear that the lowest bidder was Mauldin-Dorfmeier for \$1,276,694 for the base bid only.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, a contract for installation of a 36" PVC pipe closed profile sewer main in Whitesbridge Avenue (Base Bid only) hereby awarded to Mauldin-Dorfmeier Construction in the amount of \$1,276,694, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-02-39, FILED BY ANTHONY LAMBE, SOUTHEAST CORNER OF W. HERNDON AND N. POLK AVENUES (DISTRICT 2)**

**1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-39**

**1. BILL NO. B-13 - ORDINANCE NO. 2003-10 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO C-P/EA/UGM AND R-2/UGM**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Stiglich reviewed the issue as contained in the staff report as submitted. Councilmember Calhoun stated he requested and received Council approval for "cz" zoning to require the applicant to bring back the site plan to the Planning Commission and/or Council for final approval and also for noticing and meeting with the neighbors, and added the zoning and use would be looked at closely and commended everyone involved for working cooperatively. A motion and second was made to approve staff's recommendation.

Anthony Lambe, Applicant, spoke briefly to his family-owned property and to the proposed rental project.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-02-039, dated December 16, 2001, hereby approved, and the above entitled Bill No. B-13 adopted as Ordinance No. 2003-10, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(10:15 A.M.) HEARING TO CONSIDER APPROVAL OF UNDERGROUND UTILITY DISTRICT (UUD) NO. FRE-78, ELM AVENUE BETWEEN JENSEN AND NORTH AVENUES**

**1. RESOLUTION NO. 2003-31 - ESTABLISHING UUD NO. FRE-78**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn gave a brief overview of the issue as contained in the staff report as submitted, and a motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Sterling, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-31 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(3-A)** DIRECTION REGARDING PREVIOUSLY TABLED MATTER: "REQUEST CITY MANAGER TO DIRECT STAFF TO INITIATE INQUIRIES TO OTHER FIRMS REGARDING THE RED LIGHT CAMERA OPERATION" (*ORIGINALLY DISCUSSED ON 7/23/02, AND TABLED TO FEBRUARY 2003*)

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled matter laid over to February 25, 2003, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(3-B) \* BILL NO. B-12 - ORDINANCE NO. 2003-11** (INTRODUCED 1/28/03) - AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO ADVERTISED COMPETITIVE BIDDING AND DESIGN-BUILD CONTRACTS (REQUIRING ADVERTISED COMPETITIVE BID FOR CONTRACTS INVOLVING EXPENDITURE OF CITY MONIES EXCEEDING \$50,000) - ALTERNATIVE "B"

Capital Projects Manager Jarvis gave a brief overview of the issue as contained in the staff report noting the threshold was changed to \$50,000 per Council direction last week.

**(3 - 0)** Purchasing Manager Taggart and City Attorney Montoy responded to questions of Councilmember Calhoun relative to what the advantage was to staff with \$50K, if a \$100K threshold would be more cost efficient, makeup of the special commission who recommended \$100K, if staff had any concerns that the process would lead to staff manipulation with \$100K, how \$100K could be brought back if \$50K is not approved, and why an employee group would object/address the issue. Councilmember Calhoun encouraged Council to reconsider the \$50K threshold and reinstate \$100K, and stated Fresno was a large city and needed to think like one and asked that staff be trusted adding Council would see the contracts. Upon question of Councilmember Duncan, City Attorney Montoy and City Manager Hobbs stated a small Council committee working with the city manager's office and staff to review \$50K - \$100K contracts would be workable and permissible. Councilmember Duncan spoke in support of a \$100K threshold emphasizing the voters were very clear and Council needed to respect the voters, and added the formation of committee to review contracts would address those concerned with the validity of the process. A motion and second was made to introduce a bill with a \$100,000 threshold.

Councilmember Dages stated this was all discussed last week and he would not support the motion. Mr. Hobbs stated raising the limit to \$100K would be an opportunity to save money, was what the Blue Ribbon Commission recommended, was approved by over 60% of the voters, would allow for faster completion of public works projects, and would still clearly provide for competitive bidding, sealed bids, public bid opening, advertising through the city's web site, and noticing to potential bidders on the bidders list. Councilmember Sterling stated she did not see how this issue could be turned around from last week and brought back again when it was acknowledged last week that financial mistakes had been made with a couple of contracts, and stated she still had serious concerns and would not support a \$100K limit.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to introduce an Ordinance Bill with a \$100,000 threshold failed, by the following vote:

141-59

2/4/03

Ayes	:	Calhoun, Duncan
Noes	:	Castillo, Dages, Perea, Sterling, Boyajian
Absent	:	None

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill No. B-12 hereby adopted as Ordinance No. 2003-11, by the following vote:

Ayes	:	Castillo, Dages, Perea, Sterling, Boyajian
Noes	:	Calhoun, Duncan
Absent	:	None

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**(3-C) \* BILL NO. B-4 - ORDINANCE NO. 2003-12 - DELETING SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO THE ELIMINATION OF THE WORKERS COMPENSATION OFFSET FOR RETIREES RECEIVING A SERVICE-CONNECTED DISABILITY RETIREMENT ALLOWANCE**

A motion and second was made to adopt the Ordinance Bill.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Upon question of Acting President Castillo, Retirement Administrator McDivitt and Assistant City Manager Souza stated there was no opposition and this action would remove an inadvertent obstacle.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill No. B-4 adopted as Ordinance No. 2003-12 by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	Castillo
Absent	:	None

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**(3-D) CONSIDER BILL RELATING TO WOOD BURNING APPLIANCES AND RESOLUTION OF FINDINGS - COUNCILMEMBER PEREA**

**1. RESOLUTION NO. 2003-32 - ADOPTING FINDINGS BASED ON LOCAL CLIMATIC, GEOLOGIC AND TOPOGRAPHIC CONDITIONS TO SUPPORT MODIFICATION TO THE UNIFORM MECHANICAL CODE RELATING TO WOOD BURNING APPLIANCES**

**2. \* BILL NO. B-11 - ORDINANCE NO. 2003-13 - AMENDING AND ADDING SECTIONS TO THE FRESNO MUNICIPAL CODE RELATING TO WOOD BURNING APPLIANCES**

Councilmember Perea stated the Ordinance Bill was receiving a lot of interest and was really catching on and thanked Council for their support.

On motion of Councilmember Perea, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-32 hereby adopted, and the above entitled Bill No. B-11 adopted as Ordinance No. 2003-13, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(10:40 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-02-051 AND ENVIRONMENTAL FINDINGS, FILED BY LARS ANDERSON AND ASSOCIATES ON BEHALF OF SCOTT PETERS, PROPERTY LOCATED ON THE WEST SIDE OF N. WINERY BETWEEN E. WASHINGTON AND E. MCKENZIE (DISTRICT 7)**

141-60

2/4/03

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-051
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A TO R-1

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled hearing on R-02-051 filed by Lars Anderson and Associates continued to February 11, 2003, at 10:00 a.m., by the

following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(5-A) RESOLUTION NO. 2003-33 - AUTHORIZING ENFORCEMENT OF THE CALIFORNIA VEHICLE CODE ON GEORGE MCLAIN BOULEVARD, A PRIVATE ROAD BETWEEN CHESTNUT AND WILLOW AVENUES IN THE SENIOR CITIZEN'S VILLAGE, PURSUANT TO VEHICLE CODE SECTION 21107.5 - COUNCILMEMBER DAGES**

Councilmember Dages gave a brief overview stating this was a private road, the police did not have legal authority to issue citations to speeders and those using the road as a shortcut, and was a safety issue, and made a motion to adopt the resolution.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-33 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(5-B) DIRECT CITY MANAGER, THROUGH THE HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT (HECD) DEPARTMENT, TO NEGOTIATE A CONTRACT WITH THE CITY HOUSING AUTHORITY TO PROVIDE \$800,000 OF CITY HOME PROGRAM FUNDS TO AUGMENT AND EXPAND THE REHABILITATION PROJECT KNOWN AS THE COMMUNITY HOUSING PARTNERSHIP PROGRAM, AND PLACE THE MATTER ON THE MARCH 4, 2003, COUNCIL AGENDA FOR ACTION, INCLUDING A BUDGET APPROPRIATION - PRESIDENT BOYAJIAN**

1. FURTHER DIRECT THE CITY MANAGER, THROUGH HECD AND THE INTER-AGENCY HOUSING TASK FORCE, TO DEVELOP PROGRAM IMPLEMENTATION, PLAN, AND TIMETABLE FOR THE \$1.48 MILLION OF CITY HOME FUNDS FOR THE FOLLOWING CATEGORIES:

A. OWNER OCCUPIED REHABILITATION PROGRAMS - \$840,000

B. PURCHASE OF BOARDED-UP HOUSES - \$240,000

C. RENTAL REHABILITATION - \$400,000

2. STAFF TO RETURN WITH RECOMMENDATION, INCLUDING BUDGET APPROPRIATION AND AMENDMENT, BY MARCH 18, 2003

President Boyajian gave a brief overview stating this would supplement the rehabilitation program and continue to bring stability to neighborhoods.

Housing Director Hussman spoke to, and in support of, the issue and recommendations stating with this change the City would be out of the rehabilitation business and the authority would go to the Housing Authority and explained.

Edward Stacy, Executive Director of the Housing Authorities, was called to speak whereupon a point of order was raised by Councilmember Calhoun who asked if this matter could be continued to later in the meeting to allow enough time to discuss it citing Council's tight agenda time schedule and the need to meet in closed session. By Council consensus the item was continued to 3:30 p.m.

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**(11:00 A.M.) CLOSED SESSION:**

**141-61**

**2/4/03**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

1. N. T. HILL DBA R. J. HILL V. COF, ET AL.

2. U.S.A. V. COF AND FAMILY ALLIANCE FOR THE MENTALLY ILL, AFFORDABLE HOMES, INC.; CRAIG HARVEY AND JANE DOE V. COF, ET AL., U.S. DISTRICT COURT OF THE EASTERN DISTRICT OF CALIFORNIA, CASE #CV-F-96-549

3. CLAYTON TURNER V. COF, ET AL.

4. SOLPAC, INC., DBA SOLTEK PACIFIC V. COF, ET AL., MAULDIN-DORFMEIER CONSTRUCTION, INC. (REAL PARTY



IN INTEREST)

**(B) CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

PROPERTY: THREE PARCELS OF LAND (ONE IMMEDIATELY EAST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT OF WAY, BETWEEN KERN AND MONO STREETS; TWO PARCELS IMMEDIATELY WEST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT OF WAY, BETWEEN TULARE AND INYO STREETS, INCLUDING THE OLD SANTA FE DEPOT)

NEGOTIATING PARTIES: BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF)

UNDER NEGOTIATION: TERMS AND PRICE

The City Council met in closed session in Room 2125 at the hour of 11:15 a.m. to consider the above issues. Relative to Item **A-2**, U.S.A. v. COF and Family Alliance for the Mentally Ill, Acting President Castillo cited a potential conflict of interest due to his employment by a group home and did not participate in the discussion. The Council continued closed session to 2:00 p.m. for the joint closed session with the Redevelopment Agency and recessed for lunch.

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**LUNCH RECESS - 1:01 P.M. - 2:00 P.M.**

**(2:00 P.M. #1) JOINT COUNCIL/AGENCY CLOSED SESSION:**

**(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION:**

1. ARMEN PAUL AND IRENE BLANCHE KARAGOSIAN, GEORGE BURSICK, ALBERT AND ROBERT HAGOBIAN, ET AL., GRANUSH BADALYN, AMALIYA BADALYN, ROBERT L. EDWARDS AND GERTRUDE KILSHEIMER
2. HERITAGE FRESNO ET AL. V. COF, ET AL., SUPERIOR COURT CASE #02CG04583MWS

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 3:04 p.m.

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**(2:00 P.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council met in joint session with the Redevelopment Agency at the hour of 3:04 p.m.

**APPROVE AGENCY MINUTES OF JANUARY 7, 2003**

On motion of Councilmember Dages, seconded by President Boyajian, duly carried, RESOLVED, the Agency minutes of January 7, 2003, approved as submitted.

**(“A”) HEARING TO CONSIDER ADOPTION OF RESOLUTIONS DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTIES LOCATED AT 455 “O” STREET, OWNED BY ARMEN PAUL AND IRENE BLANCHE KARAGOSIAN, AS JOINT TENANTS (APN 468-196-20); 459 “O” STREET, OWNED BY GEORGE BURSICK, UNMARRIED/SINGLE MAN (APN 468-196-1 AND -18); 529 “O” STREET, OWNED BY ALBERT AND ROBERT HAGOBIAN, ET. AL. (APN 468-195-03); 540 “N” STREET, OWNED BY GRANUSH BADALYN, A SINGLE WOMAN, AND AMALIYA BADALYN, A MARRIED WOMAN, AS HER SOLE AND SEPARATE PROPERTY, AS JOINT TENANTS (APN 468-195-13); AND 2426 VENTURA STREET, OWNED BY ROBERT L. EDWARDS AND GERTRUDE M. KILSHEIMER, TRUSTEES (APN 468-195-17), FOR PUBLIC PURPOSES TO PROVIDE FOR THE REDEVELOPMENT OF THE PROPERTIES, AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE (CONVENTION CENTER REDEVELOPMENT PROJECT AREA) (AGENCY ACTION)**

**141-62**

**2/4/03**

**1. RESOLUTION - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY AT 455 “O” STREET, OWNED BY ARMEN PAUL AND IRENE BLANCHE KARAGOSIAN (REMOVED FROM CONSIDERATION/SETTLED)**

**2. RESOLUTION NO. 1613 - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY AT 459 “O” STREET, OWNED BY GEORGE BURSICK**

**3. RESOLUTION NO. 1614 - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION**

OF PROPERTY AT 529 "O" STREET, OWNED BY ALBERT AND ROBERT HAGOBIAN, ET AL.

**4. RESOLUTION NO. 1615** - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY AT 540 "N" STREET, OWNED BY GRANUSH BADALYN AND AMALIYA BADALYN

**5. RESOLUTION NO. 1616**- DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY AT 2426 VENTURA STREET, OWNED BY ROBERT L. EDWARDS AND GERTRUDE M. KILSHEIMER, TRUSTEES

Chair Duncan announced the time had arrived to consider the issue and opened the hearing.

Agency Director Fitzpatrick and Redevelopment Administrator Murphey gave a detailed overview of the issue as contained in the staff report as submitted, recommended approval of the resolutions and direction to staff, and noted contract counsel advised the Karagosian resolution was being deleted.

Speaking to the issue were: Greg Schweitzer, 1100 W. Shaw #116, representing the Edwards Family, who asked fair market value be paid for the real estate and a good faith effort be done first to reach a purchase contract; **(4 - 0)** Barbara Hunt, 2475 S. Walnut; and George Bursick, 461 "N" Street, who stated his property at 459 "O" Street did not meet the criteria for eminent domain.

Upon call, no one else wished to be heard and Chair Duncan closed the hearing.

On motion of Member Boyajian, seconded by Vice Chair Sterling, duly carried, RESOLVED, the above entitled Agency Resolution Nos. 1613, 1614, 1615 and 1616 hereby adopted; and Agency and City Attorney staff, or retained outside counsel, directed to take all necessary steps to proceed immediately with the property acquisitions, including seeking Orders of Possession on the subject properties, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	None

**("B") REQUEST FOR UPDATE ON THE STATUS OF THE UPTOWN MUSEUM DISTRICT STREETScape PROJECT - COUNCILMEMBER CALHOUN**

A status report, including background of the issue, was given by Agency Director Fitzpatrick, all as contained in the Agency briefing report as submitted.

Speaking to the issue were: John Moffat, Uptown Committee, 1171 W. Shaw; and Barbara Hunt, 2475 S. Walnut.

Councilmember Calhoun and Chair Duncan spoke in support of, and to the start of, the project stating it was a very exciting project. No action required/no further discussion.

**("C") CONSIDER APPROVAL OF THE ANNUAL REPORT OF THE REDEVELOPMENT AGENCY OF CITY OF FRESNO FOR FISCAL YEAR 2001-2002 (COUNCIL ACTION)**

Noting the annual report was very voluminous, Director Fitzpatrick requested approval be delayed one week to allow Council enough time to review the report, and advised the updated goals and objectives of the Agency had been delivered to members this date. Chair Duncan requested Agency staff meet with the new members and upon question, Mr. Fitzpatrick stated all material submitted to the Council/Agency is also submitted to the Mayor and city staff.

Barbara Hunt, 2475 S. Walnut, spoke to lack of replacement housing and the Mayor's proposal for a 2% budget cut.

Councilmember Calhoun stated a synopsis of the report would be very helpful in the review and requested one be submitted for the next meeting. There was no further discussion.

The joint bodies adjourned their meeting at 3:34 p.m. and the City Council reconvened in regular session at 3:35 p.m.

**(2:15 P.M.) APPEARANCE BY BEVERLY ANN WALTERS TO DISCUSS PRIVATIZATION OF FRESNO ARA EXPRESS, CITY EMPLOYEES' HEALTH COSTS, AND EMPLOYEES' LUNCH BREAK**

Appearance made; no action taken.

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**(2:20 P.M.) APPEARANCE BY COSTEL CONSTANTIN FUIDREA TO DISCUSS GENERATING REVENUE FOR THE CITY OF FRESNO**

Not present when called.

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**(5-B) DIRECT CITY MANAGER, THROUGH THE HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT (HECD) DEPARTMENT, TO NEGOTIATE A CONTRACT WITH THE CITY HOUSING AUTHORITY TO PROVIDE \$800,000 OF CITY HOME PROGRAM FUNDS TO AUGMENT AND EXPAND THE REHABILITATION PROJECT KNOWN AS THE COMMUNITY HOUSING PARTNERSHIP PROGRAM, AND PLACE THE MATTER ON THE MARCH 4, 2003, COUNCIL AGENDA FOR ACTION, INCLUDING A BUDGET APPROPRIATION - PRESIDENT BOYAJIAN**

**1. FURTHER DIRECT THE CITY MANAGER, THROUGH HECD AND THE INTER-AGENCY HOUSING TASK FORCE, TO DEVELOP PROGRAM IMPLEMENTATION PLAN AND TIMETABLE FOR THE \$1.48 MILLION OF CITY HOME FUNDS FOR THE FOLLOWING CATEGORIES:**

- a. OWNER OCCUPIED REHABILITATION PROGRAMS - \$840,000
- b. PURCHASE OF BOARDED-UP HOUSES - \$240,000
- c. RENTAL REHABILITATION - \$400,000

**2. STAFF TO RETURN WITH RECOMMENDATION, INCLUDING BUDGET APPROPRIATION AND AMENDMENT, BY MARCH 18, 2003 (CONTINUED FROM EARLIER)**

Edward Stacey, Executive Director, City & County Housing Authorities, spoke in support of the rehabilitation program, the \$800,000 to expand it, and to the plan and timeline, and responded to questions of President Boyajian relative to whether the three above listed categories would compliment the existing program.

Barbara Hunt, 2475 S. Walnut, expressed concern with homes being demolished and not replaced.

Councilmember Duncan spoke in support of and praised the program stating it seemed to be working pretty well and commended President Boyajian for his leadership and staff, the Housing Task Force and the involved agencies for all their work and for the success in the first two years. Councilmember Calhoun expressed concern with all the money being turned over to the Housing Authority with City Manager Hobbs and Housing Director responding and Mr. Hobbs explaining dollars needed to go to where they could be moved quickly. Councilmember Calhoun reiterated his concern stating the issue needed to be well thought out. Councilmember Dages spoke in strong support of the program stating it was great for the community but stated he had a concern with the rental rehabilitation component and helping investors or slumlords, with Mr. Stacy responding to questions.

President Boyajian thanked the city manager for his support and elaborated at length on the program and how successful it was stressing it had been well thought out and was about getting things done and not politics, and made a motion to approve his two recommendations outlined in his report to Council and, in addition, the recommendations of Mr. Hussman that (1) contracts and program guidelines be established between the City and the Housing Authorities for the three above listed programs (a, b & c), and (2) all contracts, supporting data, and budget amendments be returned to Council as soon as possible but no later than 45 days, which motion was seconded and later acted upon.

Councilmembers Sterling and Castillo spoke in support of the program stating it was very successful and was needed for strong neighborhoods and explained.

Councilmember Calhoun requested clarification on the motion and Mr. Hussman's recommended policy change, with Mr. Hobbs stating staff would include in their report back on the \$1.48 million what the impacts would or would not be on the City program, and President Boyajian clarifying he was asking for a report back on implementing the three programs (a,b &

c). Councilmember Calhoun stated if the motion passes Council would effectively establish policy to move the three programs permanently from HECD to the Housing Authority and he had a concern with that as he did not know the implications. Ms. Montoy recommended after "Staff to return with its recommendation, including budget appropriation and amendment by March 18, 2003" that President Boyajian add: "...including any implications". Mr. Hobbs advised Council he would be returning with a recommendation for "who ever can run faster, better and cheaper and put product on the table the quickest" on a, b & c. Upon further question of Councilmember Calhoun, Ms. Montoy clarified no decision was being made this date on who would be running the programs, only direction to staff to return with documents.

On motion of President Boyajian seconded by Councilmember Sterling, duly carried, RESOLVED:

(1) the City Manager directed, through the Housing, Economic and Community Development (HECD) Department, to negotiate a contract with the City Housing Authority to provide \$800,000 of City HOME Program funds to augment and expand the rental rehabilitation project known as the Community Housing Partnership Program, with the following caveats:

a. Contract requirements are to be consistent with the federal HUD regulations in that the eligible applicants must meet the federal poverty guidelines of 80% of the area median income;

b. Housing assisted with HOME funds must minimally meet the Section 8 Housing Quality Standards as noted in the HUD letter dated June 7, 2001, attached to the Council President's report to Council;

c. Target areas for eligible applicants will be the current target areas currently adopted by Council for the RDA/Housing Authority Community Housing Partnership Program;

d. Based upon need, this contract will provide an additional grant of up to \$6,000 to address the need for internal improvements such as heating/cooling systems, electrical and plumbing; and

e. Schedule review of the contract with the Housing and Community Development Commission (HCDC) and place on the March 4, 2003, Council agenda for action including appropriate budget amendment.

(2) the City Manager is further directed, through HECD, to negotiate a second contract with the City Housing Authority to provide \$1,480,000 of City HOME Program funds to implement the remainder of the owner occupied rehabilitation program (\$840,000), purchase of boarded single family houses (\$240,000), and rental rehabilitation (\$400,000). Contract requirements are to be consistent with federal HUD regulations. The contract is to be reviewed by the HCDC and brought back to Council at their March 18, 2003, meeting.

(3) Contracts and program guidelines to be established between the City and the Housing Authorities for the three above listed programs (a, b & c); and

(4) all contracts, supporting data, and budget amendments to be returned to Council as soon as possible but no later than 45 days, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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**(2:30 P.M.) CLOSED SESSION:**

**(“D”) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:**

1. AMALGAMATED TRANSIT UNION (ATU) UNIT 06
2. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)

Laid over one week.

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141-65

2/4/03

**(5-C) DISCUSSION AND DIRECTION TO THE CITY MANAGER TO RETURN TO COUNCIL RECOMMENDATIONS OF WAYS IN WHICH THE POLICE AND FIRE DEPARTMENTS CAN BEST BE MANAGED IN ORDER TO PROVIDE OPTIMUM PROTECTION FOR THE CITIZENS OF FRESNO WITH THE POSSIBILITY OF IMPLEMENTING A DEPARTMENT OF PUBLIC SAFETY - COUNCILMEMBER CALHOUN**

Councilmember Calhoun stated he felt this was an opportune time to look at the overall structure of the city's protective

services and explained; acknowledged there may be no need to change the current system but he felt a at least a review of the system was warranted due to a world rife with dangers and other things not necessarily terrorist-inspired such as the southwest fire; and made a motion to direct staff as outlined above. Councilmember Duncan seconded the motion and spoke in support stating we lived in different times and the way services were provided needed to be looked at to determine if the City was responding the best way to its needs. Councilmember Dages stated he did not quite agree with Councilmember Calhoun's and Duncan's comments and spoke briefly in opposition to the motion. Councilmember Sterling stated she had concerns with fire department staffing and was in support of seeing what would come back. Councilmember Perea stated he concurred with Councilmember Dages, stated this may end up creating more bureaucracy and spoke in opposition to the motion stating the police and fire departments provided different functions and services. Councilmember Duncan emphasized the intent of the motion was to ask questions and step back and take a fresh look to see if there was a better way of delivering everyday and emergency services and elaborated.

Discussion continued with City Manager Hobbs and Councilmember Calhoun responding to questions/comments of President Boyajian relative to this seeming to be a difficult task and time consuming, if staff was not already looking at best management practices at all times, Mr. Hobbs speaking to where a department of public safety has and has not worked and staff adhering to Council direction, and continued questions relative to the task and if an analyst would be hired. Acting President Castillo stated this request should not take Council direction as this was within the city manager's authority to look at ways for the fire and police departments to communicate and be more efficient, and spoke briefly to departments running as efficiently as possible adding the police chief had done a great job in reorganizing his department. Mr. Hobbs stated staff will always look for efficiencies in every department and the potential for efficiencies between departments, and clarified the issue was the possibility of implementing a department of public safety and he would not on his own implement a study on creating a department of public safety.

Councilmember Duncan stated everyone was missing the point, clarified this was not about changing anything and emphasized was in no way, shape or form a criticism of anyone in public safety, stressed this was about a dangerous world and looking out of the box to make sure public safety was doing the best it could in case something does happen, and expressed his disappointment at how the discussion had turned **(6 - 0)** and withdrew his second to the motion to end discussion. Upon call, the motion died due to lack of a second.

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**(5-D) DISCUSSION REGARDING THE FRESNO LANDFILL BEING DESIGNATED A NATIONAL HISTORIC SITE INCLUDING CONSIDERATION OF ADOPTING A RESOLUTION REQUESTING THAT SAID DESIGNATION DOES NOT OCCUR - COUNCILMEMBER CALHOUN**

**1. RESOLUTION - RESPECTFULLY REQUESTING THE U.S. DEPARTMENT OF THE INTERIOR NOT DESIGNATE THE CITY OF FRESNO' S FORMER LANDFILL A NATIONAL HISTORICAL SITE**

Removed from the agenda by Councilmember Calhoun. Councilmember Calhoun left the meeting at 4:53 p.m. Acknowledging the matter was off the table Councilmember Sterling stated she was going to make a motion to adopt the resolution and asked why the City would *not* want to do this? Brief discussion ensued on whether the matter was on or off the table and by Council consensus, the matter was left off the table.

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**(5-E) APPROVE APPOINTMENTS OF THREE COUNCIL MEMBERS TO SERVE ON THE INTER-AGENCY NEIGHBORHOOD SCHOOLS DEVELOPMENT TEAM - PRESIDENT BOYAJIAN**

President Boyajian advised he received a letter from Mr. Johansen from the FUSD, spoke to the need to coordinate new schools with parks and questioned who wanted to be part of the team. Councilmember Dages requested to be part of the team, Councilmember Sterling stated she was very interested due to the two schools proposed for District 3 but would have to defer from this committee as she was going to be on a number of other committees and requested her interest be recognized. Brief discussion ensued. Acting President Castillo stated the committee would be reporting to Council regularly.

On motion of President Boyajian, seconded by Councilmember Dages, duly carried. RESOLVED, Councilmembers Dages, Perea and Acting President Castillo appointed to the Inter-Agency Neighborhood Schools Development Team, by the following vote:

Ayes	:	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	Calhoun

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**BUDGET COMMITTEE FORMATION - ACTING PRESIDENT CASTILLO (Not on the agenda)**

Acting President Castillo stated he wanted to discuss forming a Council budget committee in light of the upcoming budget deliberations, with City Attorney Montoy stating she would submitting a memo to Council relative to the number of Council committees and her concerns on the issue.

**REQUEST FOR REPORT FROM CITY MANAGER ON PLAN AND TIMEFRAME FOR HIRING ADDITIONAL FIREFIGHTERS - ACTING PRESIDENT CASTILLO (Not on the agenda)**

Request made.

**MEMORIAL FOR THE COLUMBIA SPACE SHUTTLE CREW - ACTING PRESIDENT CASTILLO (Not on the agenda)**

Acting President Castillo noted the Mayor was talking about a memorial and suggested a telethon-type fund raising event and working with Channel 47 similar to the K-9 memorial to give the community a sense of ownership, and added he would head the effort.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 5:00 p.m. having arrived and hearing no objection, President Boyajian declared the special meeting adjourned.

**APPROVED** on the 11<sup>th</sup> day of February, 2003.

ATTEST:_____	
Tom Boyajian, Council President	Yolanda Salazar, Assistant City Clerk